

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference S2701PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/013364	International filing date (day/month/year) 14.09.2004	Priority date (day/month/year) 24.09.2003
International Patent Classification (IPC) or national classification and IPC A01N49/00, A01N25/08, A01N25/18, A01N35/02, A01N37/02		
Applicant SANKEI CHEMICAL CO., LTD		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/013364

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1, 2, 4-17 as originally filed/furnished
 - pages* 3 received by this Authority on 22.07.2005
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 2-4 as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1 received by this Authority on 22.07.2005
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets fig. 1-7 as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-4</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-4</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-4</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

The following documents are cited in the international search report.

- Document 1: JP 2002-520256 A (Consejo Superior De Investigaciones Cientificas), 09 July 2002, claims; paragraphs [0010] to [0011], [0016] to [0019] and [0027] to [0028]; and the examples & WO 00/2448 A1 & US 6569440 B1 & EP 1051908 A1
- Document 2: JP 2001-247410 A (Sekisui Chemical Co., Ltd.), 11 September 2001, paragraphs [0010] to [0013] and the examples (example 3 in particular)
- Document 3: JP 56-104802 A (Montedison S. p. A.), 20 August 1981, claims; page 4, lower left column; and the examples & US 4323556 A & GB 2067406 A & FR 2473847 A1 & DE 3044220 A1
- Document 4: JP 2001-72506 A (Okinawa Prefecture), 21 March 2001, claims and the examples

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The following document is newly cited.

Document 5: Kagaku Daijiten Henshu Iinkai ed., Kagaku Daijiten 4 Shukusatsu-ban, Kyoritsu Shuppan Kabushiki Kaisha, 15 August 1989, pages 796 to 797 (the definition of the term "Shosei" [calcination])

The invention set forth in claims 1 to 4 involves an inventive step in relation to documents 1 to 5 cited in the international search report. Documents 1 to 5 do not disclose sustained-release pheromone preparations which comprise a crystalline mineral that is obtained by means of a calcination process with a temperature of 500 to 700°C. On the other hand, the inventions that are set forth in the present application exhibit an advantageous effect in that it is possible to achieve a high level of pheromone persistence as a result of the feature in question.

Furthermore, the fact that this advantageous effect can be achieved by means of a process with a calcination temperature that falls within the prescribed range is indicated in the description of the present application, and is additionally explained using complimentary test examples in the written response dated 22 December 2005.